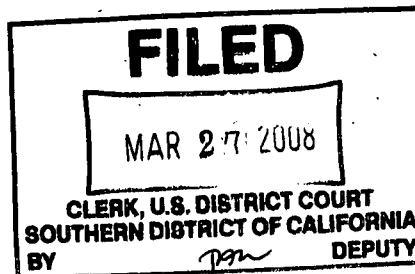


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


'08 MJ 8265

UNITED STATES OF AMERICA,) Magistrate Case No.:
)
Plaintiff,) COMPLAINT FOR VIOLATION OF
)
v.) 21 U.S.C. § 952 and 960
) Importation of a Controlled
Efrain HERNANDEZ,) Substance (Felony)
)
Defendant.)

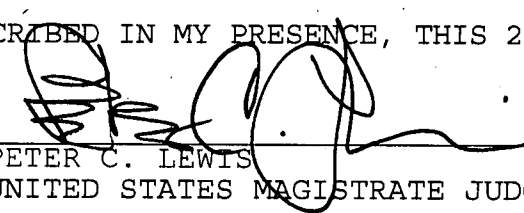
The undersigned complainant being duly sworn states:

That on or about March 26, 2008, within the Southern District of California, defendant Efrain HERNANDEZ, did knowingly and intentionally import approximately 82.90 kilograms (182.38 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Renato Gates, Special Agent
U. S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF March 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Efrain HERNANDEZ

4 STATEMENT OF FACTS

5 This complaint is based on the reports, documents, and notes furnished to U. S. Immigration
6 and Customs Enforcement (ICE) Special Agent Renato Gates.

7 On March 26, 2008, at approximately 0430 hours, Efrain HERNANDEZ, registered owner
8 and sole occupant of a 2003 Ford F-350 bearing a California temporary sticker (VIN:
9 1FTSW31F53EA39038) entered the United States from the Republic of Mexico via the Calexico,
10 California East Port of Entry.

11 Customs & Border Protection Officer (CBPO) L. Baca made contact with HERNANDEZ as
12 he applied for entry into the United States. HERNANDEZ had nothing to declare and said he was on
13 his way to work. CBPO Baca noticed tampering marks on the external diesel fuel tank which was in
14 the bed of the Ford F-350 HERNANDEZ was driving. CBPO Baca referred the driver and vehicle to
15 the vehicle secondary lot for further inspection of the external diesel tank.

16 CBPO Vella approached the Ford F-350 and received a negative oral Customs declaration
17 from the driver, HERNANDEZ. CBPO Vella asked HERNANDEZ about the vehicle he was driving
18 and HERNANDEZ said he is the owner. HERNANDEZ stated he entered into the United States to
19 go to Westmorland, where he works as a farm equipment mechanic. CPBO Vella noticed
20 HERNANDEZ mumbled, was slow, and hesitant when answering questions. CBPO Vella inspected
21 the external diesel tank and noticed it sounded empty, but appeared to be filled with fuel when the
22 tank cap was opened.

23 CBPO C. Randolph utilized his Human and Narcotic Detector Dog (HNDD) to screen the
24 Ford F-350. CBPO Randolph's HNDD alerted to the vehicle and responded by sitting. CBPO
25 Randolph informed CBPO Vella of the alert.

26 CBPO S. Apolinar conducted an X-Ray screening of the Ford F-350 registered to
27 HERNANDEZ and detected anomalies within the external diesel tank. CBPO Apolinar removed the
28 external tank from the truck bed and noticed an access panel underneath the tank. CBPO Apolinar
discovered 9 packages concealed within the external diesel tank. CBPO Apolinar probed one of the

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1 packages, producing a green leafy substance, which field-tested positive for marijuana. The
2 approximate weight of the packages was 82.90 kilograms (182.38 pounds) of marijuana.

3 HERNANDEZ was arrested for importation of marijuana into the United States.
4 HERNANDEZ was advised of his rights, per Miranda. HERNANDEZ stated he understood his
5 rights and was willing to answer questions without the presence of an attorney. HERNANDEZ
6 admitted knowledge of illegal narcotics concealed in the vehicle and was to be paid for the
7 smuggling venture. HERNANDEZ said he was told there was to be 50 kilograms of marijuana
8 concealed in the external diesel tank. HERNANDEZ said he was going to get paid \$4,000 for
9 smuggling the marijuana into the United States and delivering the marijuana to Pomona, California.
10 HERNANDEZ said he knew smuggling drugs into the United States was illegal and he knew he was
11 committing a crime when he smuggled the marijuana into the United States.